UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/CN.9/327
21 March 1990

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-third session
New York, 25 June - 6 July 1990

PROVISIONAL AGENDA, ANNOTATIONS THERETO AND SCHEDULING OF MEETINGS OF THE TWENTY-THIRD SESSION; MEETING OF NATIONAL CORRESPONDENTS

Note by the Secretariat

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-third session will be held at the United Nations Headquarters, New York, from 25 June to 6 July 1990. The session will be opened on Monday, 25 June 1990, at 10:30 a.m. The Commission is composed of the following member States: Argentina, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Federal Republic of, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Morocco, Netherlands, Nigeria, Sierra Leone, Singapore, Spain, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yugoslavia.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

It is suggested that all items be considered in plenary.

Item 4. Countertrade

The Commission, at its twenty-first session (1988), had before it a report entitled "Preliminary study of legal issues in international countertrade" (A/CN.9/302). After considering the report the Commission made a preliminary decision that it would be desirable to prepare a legal guide on drawing up countertrade contracts, and requested the Secretariat to prepare for the twenty-second session of the Commission a draft outline of the possible content and structure of such a legal guide (A/43/17, para. 35).

At its twenty-second session (1989), the Commission considered the draft outline that had been prepared by the Secretariat (A/CN.9/322). It decided that a legal guide along the lines set forth in the draft outline should be prepared, and requested the Secretariat to prepare for the next session of the Commission draft chapters of the legal guide (A/44/17, para. 249).

The Commission will have before it a report containing the requested materials (A/CN.9/332), set out as follows:

outline of Introduction to legal guide: contained in A/CN.9/332/Add.1
draft chapter II: "Scope and terminology of legal guide", contained in A/CN.9/332/Add.1
draft chapter III: "Contracting approach", A/CN.9/332/Add.2
draft chapter IV: "General remarks on drafting", A/CN.9/332/Add.3
draft chapter V: "Type, quality and quantity of goods", A/CN.9/332/Add.4
draft chapter VI: "Pricing of goods", A/CN.9/332/Add.5

draft chapter IX: "Payment",
A/CN.9/332/Add.6
draft chapter XII: "Security for performance",
A/CN.9/332/Add.7.

Item 5. International payments: draft Model Law on International Credit Transfers

At its nineteenth session (1986), the Commission decided to undertake the preparation of model rules on electronic funds transfers and entrusted that task to the Working Group on International Negotiable Instruments, which it renamed the Working Group on International Payments (A/41/17, para. 230). The Working Group held its nineteenth session in New York from 10 to 21 July 1989 and its twentieth session at Vienna from 27 November to 8 December 1989. The Commission will have before it the reports of the Working Group on those sessions (A/CN.9/328 and A/CN.9/329, respectively).

Item 6. New international economic order: procurement

The Commission, at its nineteenth session (1986), decided to undertake work in the area of procurement and entrusted the preparatory work on that subject to the Working Group on the New International Economic Order (A/41/17, para. 243). The Working Group held its eleventh session in New York from 5 to 16 February 1990. The Commission will have before it the report of the Working Group (A/CN.9/331).

Item 7. International contract practices: guarantees and stand-by letters of credit

The Commission, at its twenty-first session (1988), agreed that work should be carried out in the area of stand-by letters of credit and guarantees (A/43/17, paras. 18 to 26). Pursuant to a decision taken by the Commission at that session, the Working Group on International Contract Practices devoted its twelfth session to a review of the draft Uniform Rules on Guarantees being prepared by the International Chamber of Commerce and to an examination of the desirability and feasibility of any future work relating to greater uniformity at the statutory law level in respect of guarantees and stand-by letters of credit (A/CN.9/316). The Working Group recommended that work be initiated on the preparation of a uniform law, whether in the form of a model law or in the form of a convention. The Commission, at its twenty-second session, accepted the recommendation and entrusted to the Working Group the task of preparing a uniform law (A/44/17, para. 244). The Working Group held its thirteenth session in New York from 8 to 18 January 1990. The Commission will have before it the report of the Working Group (A/CN.9/330).

Item 8. Legal problems of electronic data interchange

At its twenty-second session (1989), the Commission requested the Secretariat to prepare for its twenty-third session a preliminary study on the subject of the legal principles that would apply to the formation of international commercial contracts by electronic means (A/43/17, para. 47; A/44/17, para. 289). The Commission will have before it the requested study (A/CN.9/333).

Item 9. Co-ordination of work

The General Assembly, in resolution 34/142, requested the

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Secretary-General to place before the Commission at each of its sessions a report on the activities of other organs and international organizations related to international trade law together with recommendations as to steps to be taken by the Commission.

The Commission will have before it a general report on current activities of international organizations related to the harmonization and unification of international trade law (A/CN.9/336), up-dating the information contained in an earlier report of the Secretary-General which was submitted to the twenty-second session of the Commission (A/CN.9/324). During the consideration of this agenda item by the Commission representatives of international organizations will have an opportunity to make statements concerning the activities of their respective organizations.

Item 10. Status of conventions

The Commission will have before it a note by the Secretariat (A/CN.9/337) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988); Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); and the UNCITRAL Model Law on International Commercial Arbitration.

Item 11. Training and assistance

The Commission will have before it a note by the Secretariat on this subject (A/CN.9/335).

Item 12. General Assembly resolution on the work of the Commission

The Commission may wish to take note of General Assembly resolution 44/33 of 4 December 1989 on the Report of the United Nations Commission on International Trade Law on the work of its twenty-second session. A copy of the resolution and the report of the Sixth Committee (A/44/723) will be made available at the present session.

Item 13. Other business

(a) Convention on the Limitation Period in the International Sale of Goods

At its twenty-second session (1989), the Commission decided to request that an Arabic language version be established of the Convention on the Limitation Period in the International Sale of Goods as amended by the Protocol amending the Convention on the Limitation Period in the International Sale of Goods. To that end, the Commission decided to request the Secretary-General to prepare a translation of the Convention as amended into Arabic and to review the translation at its twenty-third session, at which time it would propose to the Secretary-General a text that might be circulated to States by depositary notification (A/44/17, para. 264). The Commission will have before it the requested translation of the Convention as amended into Arabic (A/CN.9/334).

(b) Membership of Commission and of working groups

At its twenty-first session (1988), the Commission, on the basis of a note by the Secretariat entitled "Working methods of the Commission" (A/CN.9/299), considered the question of a possible increase in the membership of the Commission. The Commission took no decision on the question at that session and agreed to reconsider the matter at its twenty-third session (A/43/17, para. 116). The note by the Secretariat also set forth the historical development of the working groups of UNCITRAL, discussed the role of the working groups and set forth some policy considerations that the Commission might wish to take into account in deliberations on the appropriate size of a working group (A/CN.9/299, paras. 13-31). At its twenty-first session the Commission decided to postpone until the twenty-third session consideration of the question of the size and role of the working groups (A/43/17, para. 119).

Copies of the note by the Secretariat will be made available at the session.

(c) United Nations Decade of International Law

The General Assembly, at its forty-fourth session, declared the period 1990-1999 as the United Nations Decade of International Law, and requested the Secretary-General to seek the views of, inter alia, Member States and appropriate international bodies, on the programme for the Decade and on appropriate action to be taken during the Decade (resolution 44/23 of 17 November 1989). The Commission will have before it a note by the Secretariat on the subject (A/CN.9/338).

(d) Bibliography

The Commission will have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/339).

Item 14. Dates and places of future meetings

(a) Twenty-fourth session

The twenty-fourth session of the Commission will be held at Vienna. Arrangements have been made for the session to be held from 10 to 28 June 1991.

(b) Sessions of working groups

(i) Working Group on International Contract Practices

The fourteenth session of the Working Group has been scheduled for 3 to 14 September 1990 at Vienna.

(ii) Working Group on the New International Economic Order

The twelfth session of the Working Group has been scheduled for 8 to 19 October 1990 at Vienna.

(iii) Working Group on International Payments

The twenty-first session of the Working Group has been scheduled for 9 to 20 July 1990 in New York, immediately following the twenty-third session of the Commission, which ends on 6 July 1990, and the twenty-second session has been scheduled for 26 November to 7 December 1990 at Vienna.

Item 15. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, paragraph 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by him.

III. SCHEDULING OF MEETINGS

There will be 7 working days available for consideration of the agenda items (other than agenda item 15, adoption of the report) at the session. No meeting will be scheduled for Wednesday, 4 July, which is a United Nations holiday in New York or for Thursday, 5 July, to enable the Secretariat to prepare the draft report. Friday, 6 July, will be reserved for the adoption of the report.

Meeting hours will be from 10:00 to 1:00 p.m. and 3:00 p.m. to 6:00 p.m., except on Monday, 25 June, when the meeting will commence at 10:30 a.m.

The Secretariat would recommend that the agenda items be taken up in numerical order and that the Commission anticipate devoting the first week of the session (after agenda items 1 to 3) to agenda item 4 (Countertrade), and Monday and Tuesday of the second week (2 and 3 July) to agenda items 5 through 14. Agenda item 15 (Adoption of the report of the Commission) would be taken up on Friday, 6 July.

IV. MEETING OF NATIONAL CORRESPONDENTS

The Commission, at its twenty-first session (1988), decided to establish a mechanism for the collection and dissemination of court decisions and arbitral awards relating to legal texts emanating from its work. As part of that mechanism, States that are parties to or that have adopted one or more of those legal texts have been invited to nominate "national correspondents" to assist in the gathering of the court decisions and arbitral awards (A/43/17, para. 100). The first meeting of national correspondents was held during the twenty-second session of the Commission in 1989.

It is planned that the national correspondents will meet, with simultaneous interpretation in the six United Nations languages (Arabic, Chinese, English, French, Russian, Spanish), on Thursday, 5 July 1990, when no meeting of the Commission has been scheduled, and on Friday, 6 July 1990, after the adoption of the report by the Commission. Further information concerning the scheduling of the meeting of national correspondents will be communicated during the session.